



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,980	08/15/2006	Jack Gustavsson	1516-1005	1500
466 7590 10/29/2009 YOUNG & THOMPSON 209 Madison Street Suite 500 Alexandria, VA 22314			EXAMINER BOSWELL, CHRISTOPHER J	
			ART UNIT 3673	PAPER NUMBER
			NOTIFICATION DATE 10/29/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

### Office Action Summary

**Application No.**

10/585,980

**Applicant(s)**

GUSTAVSSON, JACK

**Examiner**

CHRISTOPHER BOSWELL

**Art Unit**

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 5, 8 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 8 and 10-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Double Patenting***

Claims 10-13 and 15 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 1, 2, 5, 8 and 14. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 10, 11, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,386,122 to Alizade.

Alizade discloses a security container (20) having at least one basic module (figure 1C), at least one floor element (40), at least one ceiling element (30), side wall elements (70) and one end piece (60), the side wall elements and the end piece being mounted between the floor element and the ceiling element at the basic module (figures 1A-1C), the basic module being attached to one door section (21) equipped with a lock device (24) in connection to at least one of the end piece and the side wall elements, wherein the door section, in its closed position, has

parts protruding (the respective side surfaces that extend into the side wall rabbets) into or behind, or into and behind, adjacent side wall elements, and, in a locked position, has locking means (locking bolts that are disposed within apertures 88; column 7, lines 7-25) protruding into the floor element and into the ceiling element, the wall sections have outer and inner casings of metal (86), an intermediate space is partially filled with concrete (100), the container having metal casings (86) between which a plurality of scantlings (94) are arranged, and at least two independent of each other locking devices (the locking bolts, and anchor bolts column 6, lines 26-43) are arranged in connection to a door section in which at least one primary locking device (the combination lock 24) will protect against admission to a secondary head locking device (the anchor bolts prevent admission into the security container from the exterior), as in claim 1.

Alizade also discloses one or several basic modules of a same or of different shapes and with a certain maximal weight (column 7, lines 53-60), are equipped with bails (58) for an external application of lifting means, the bails in their attachment into the basic module have an intentionally limited strength (the tensile strength of the material the security bolt box is manufactured from), as in claim 2, wherein the security container comprises a plurality of basic modules (20 and 120), as in claim 14.

Alizade further discloses a security container (20) having at least one basic module (figure 1C), at least one floor element (40), at least one ceiling element (30), side wall elements (70) and one end piece (60), the side wall elements and the end piece being mounted between the floor element and the ceiling element at the basic module (figures 1A-1C), the basic module being attached to one door section (21) equipped with a lock device (24) in connection to at least

one of the end piece and the side wall elements, wherein the door section, in its closed position, has parts protruding (the respective side surfaces that extend into the side wall rabbets) into or behind, or into and behind, adjacent side wall elements, and, in a locked position, has a locking element (locking bolts that are disposed within apertures 88; column 7, lines 7-25) protruding into the floor element and into the ceiling element, the wall sections have outer and inner casings of metal (86), an intermediate space is partially filled with concrete (100), the container having metal casings (86) between which a plurality of scantlings (94) are arranged, and at least two independent of each other locking devices (the locking bolts, and anchor bolts column 6, lines 26-43) are arranged in connection to a door section in which at least one primary locking device (the combination lock 24) will protect against admission to a secondary head locking device (the anchor bolts prevent admission into the security container from the exterior), as in claim 10.

Alizade additionally discloses one or several basic modules of a same or of different shapes and with a certain maximal weight (column 7, lines 53-60), are equipped with bails (58) for an external application of lifting means, the bails in their attachment into the basic module have an intentionally limited strength (the tensile strength of the material the security bolt box is manufactured from), as in claim 11, wherein the security container comprises a plurality of basic modules (20 and 120), as in claim 15.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alizade, as applied above, in view of U.S. Patent Number 4,158,338 to Dippold et al.

Alizade discloses the invention substantially as claimed. However, Alizade does not disclose the concrete in the wall sections of the security container has a ballast of rubber pieces. Dippold et al. teaches of a safe consisting of wall panels having two laminar units each including a core layer of particulate, sintered, aluminum oxide, a perforated metal shell enveloping the layer, and a continuous mass consisting essentially of elastomeric material enveloping the shell and extending into the layer through the perforations of the shell (column 2, lines 38-49) in the same field of endeavor for the purpose of making the safe burglar resistant (column 1, lines 15-40). It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate an elastomeric material, as taught by Dippold et al. into the concrete of Alizade in order to have the security container more resistant to unauthorized access.

Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alizade, as applied above, in view of U.S. Patent Number 5,377,514 to Robbins et al.

Alizade discloses the invention substantially as claimed. Alizade discloses the primary locking device hiding the secondary locking device (preventing entry to the interior of the module, thus denying access to the bolts). However, Alizade does not disclose the primary locking device has a shape of a mortise lock. Robbins et al. teaches a locking device (22) for a security container (10) where a locking devices (18, 20 and 22) is arranged in connection to a door section (14), the primary locking device has the shape of a mortise lock (figures 1, 7 and

10) with a bayonet catch (18 and 20), in the analogous art of safe locking assemblies for the purpose of securely retaining the door in a closed position to thwart unauthorized access.

Because both Alizade and Robbins et al. teach methods for locking the door of a secure container, it would have been obvious to one with ordinary skill in the art to substitute the locking device in Alizade with the mortise locking device of Robbins et al. where the lever arm of the bayonet would be connected to the locking bolts to additionally actuate the locking bolts into the locking apertures, as well as the bayonet engaging a pin on the associated side wall element to achieve the predictable result of safely locking assemblies for the purpose of securely retaining the door in a closed position to thwart unauthorized access.

### ***Response to Arguments***

Applicant's arguments filed June 16, 2009 have been fully considered but they are not persuasive. In response to the argument that Alizade does not disclose at least two independent locking devices, the examiner respectfully disagrees. The claims are absent as to what type of components and elements constitute the separate locking devices, accordingly it is unclear as to what is a locking device. Alizade discloses anchor bolts that lock the walls of the module together as well as the combination lock and lock bolts, thus two independent locking devices.

Applicant's arguments with respect to claim 8 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER BOSWELL whose telephone number is (571)272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Boswell  
Examiner  
Art Unit 3673

/Peter M. Cuomo/  
Supervisory Patent Examiner, Art Unit  
3673

CJB /cb/  
October 22, 2009